

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Rose A. Thomas,

Plaintiff,

v.

Case No. 1:07cv782

Commissioner of Social Security,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on April 17, 2008 (Doc. 20).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. 636, this Court find the Magistrate's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. The parties' joint stipulation for remand under sentence six of 42 U.S.C. § 405(g) is **GRANTED**. Upon remand, if the Defendant does not grant a fully favorable award to the Plaintiff, the case will be remanded to an Administrative Law Judge (ALJ), and the missing evidence form Exhibit 10F should be obtained. In addition, the issue of whether or not claimant performed substantial gainful activity (SGA) during the closed period at issue, should be clarified. The missing evidence referred to at Tr. 265 should be obtained at a de novo hearing. This matter is terminated from the docket of the

undersigned.

**IT IS SO ORDERED.**

S/Michael R. Barrett  
Michael R. Barrett, Judge  
United States District Court